

85<sup>th</sup> Legislative Session – 2010

Committee: House Judiciary

Monday, February 22, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Engels  
P Feinstein  
P Gibson  
P Gosch  
P Hamiel  
P Hoffman  
P Killer  
P Lust  
P Moser  
P Schlekeway  
P Turbiville  
P Hunt, Vice-Chair  
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 19, 2010.

Moved by: Gosch  
Second by: Hoffman  
Action: Prevailed by voice vote.

HB 1272: revise certain provisions regarding paternity and termination of parental rights.

Presented by: Representative Roger Hunt  
Proponents: John Hughes, Self, Sioux Falls  
Mary Beck, Self, Columbia, Mo. (Handouts: #1)

Elizabeth Russell, Self, Columbia, MO  
Beth Hughes, Self, Sioux Falls  
Chris Hupke, SD Family Policy Council

MOTION: DO PASS HB 1272

Moved by: Lust  
Second by: Moser  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1272

1272ra

On page 18, after line 1 of the printed bill, insert:

" Section 33. That chapter 34-25 be amended by adding thereto a NEW SECTION to read as follows:

Any woman who has had sexual intercourse with a particular man shall notify the man of his rights and responsibilities pursuant to this Act. In the absence of such notification, the provisions of this Act, as to that man, are null and void."

Moved by: Feinstein  
Second by: Gibson  
Action: Failed by voice vote.

MOTION: SUBSTITUTE MOTION DEFER HB 1272 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gibson  
Second by: Feinstein  
Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Killer, Turbiville

Voting No: Hamiel, Hoffman, Lust, Moser, Schlekeway, Hunt, Cutler

THE MOTION TO DO PASS HB 1272

Moved by: Lust  
Second by: Moser

Action: PREVAILED BY ROLL CALL VOTE. (7-6-0-0)

Voting Yes: Hamiel, Hoffman, Lust, Moser, Schlekeway, Hunt, Cutler

Voting No: Engels, Feinstein, Gibson, Gosch, Killer, Turbiville

\*Gavel passed to Vice-Chair Hunt.

HB 1256: revise certain provisions regarding the enforcement of the requirement to wear a seat belt in a motor vehicle.

\*Prior testimony heard on Friday, February 19, 2010.

Presented by: Representative Joni Cutler

Proponents: Randy Hartley, Department of Public Safety  
Darin Bergquist, Secretary, Department of Transportation  
Dave Gerdes, General Motors Corporation  
Laurie Gill, SD Department of Health (Handouts: #2)  
Dean Krogman, SD State Medical Association  
Paul Goldammer, Alliance of Automobile Manufacturers  
Larry Nelson, SD Police Chiefs  
Maynard J. Konechne, Self, Kimball

MOTION: DO PASS HB 1256

Moved by: Engels

Second by: Feinstein

Action: Failed by roll call vote. (6-7-0-0)

Voting Yes: Engels, Feinstein, Gibson, Killer, Schlekeway, Cutler

Voting No: Gosch, Hamiel, Hoffman, Lust, Moser, Turbiville, Hunt

MOTION: DEFER HB 1256 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Gosch

Second by: Moser

Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Gosch, Hamiel, Hoffman, Lust, Moser, Turbiville, Hunt

Voting No: Engels, Feinstein, Gibson, Killer, Schlekeway, Cutler

HB 1228: establish an ancillary standard in determining the best interests of a child.

Presented by: Representative Richard Engels

Proponents: Dan Todd, Department of Social Services

MOTION: AMEND HB 1228

1228ra

On page 1, line 4, of the printed bill, after "Section 1." Insert "That chapter 25-4 be amended by adding thereto a NEW SECTION to read as follows:".

On page 1, line 8, after "." insert "Nothing in this Act effects the confidentiality of records and files relating to reports of child abuse or neglect maintained by the Department of Social Services pursuant to chapter 26-8A.".

Moved by: Hoffman

Second by: Feinstein

Action: Prevailed by voice vote.

MOTION: AMEND HB 1228

1228rb

On page 1, line 7 of the printed bill, before "neglect" insert "and".

Moved by: Feinstein

Second by: Engels

Action: Prevailed by voice vote.

MOTION: DO PASS HB 1228 AS AMENDED

Moved by: Gibson

Second by: Feinstein

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

MOTION: PLACE HB 1228 ON CONSENT CALENDAR

Moved by: Hoffman  
Second by: Lust  
Action: Prevailed by voice vote.

MOTION: REMOVE HB 1085 FROM THE TABLE

Moved by: Schlekeway  
Second by: Moser  
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Engels, Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Hunt, Cutler

Voting No: Feinstein, Gibson, Turbiville

HB 1085: prohibit certain interaction between children and registered sex offenders at youth activities.

Presented by: Representative Manny Steele

MOTION: AMEND HB 1085

1085rc

On page 1 of the printed bill, delete lines 6 to 10, inclusive, and insert:

"

No person who is required to register as a sex offender pursuant to chapter 22-24B may be the director, administrator, or executive officer of any youth participation program, group, or association unless the sex offender had no criminal record against a child under sixteen. A violation of this section is a Class 1 misdemeanor."

Moved by: Moser  
Second by: Hoffman  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1085 AS AMENDED

Moved by: Hunt  
Second by: Schlekeway

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Gosch, Hamiel, Hoffman, Killer, Lust, Moser, Schlekeway, Hunt, Cutler

Voting No: Engels, Feinstein, Gibson

Excused: Turbiville

THE CHAIR DEFERRED SB 54 AND SB 55 UNTIL WEDNESDAY, FEBRUARY 24, 2010.

MOTION: ADJOURN

Moved by: Hoffman

Second by: Gosch

Action: Prevailed by voice vote.

Linda Daugaard  
Committee Secretary

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Joni M. Cutler, Chair